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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,540	03/01/2002	Russell Savio	60,518-012	8359
27305	7590 09/26/2003			
HOWARD & HOWARD ATTORNEYS, P.C. THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE			EXAMINER	
			NGUYEN, BINH AN DUC	
BLOOMFIEL	D HILLS, MI 48304-515	1	ART UNIT	PAPER NUMBER
			3713	F.
			DATE MAILED: 09/26/2003	(5)

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			Application No.	Applicant(s)				
Binh-An D. Nguyen  3713  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than thirty (30) stays, a reply within the studied ry minimum of binty 700) days will be considered limply.  If the period for reply specified above is less than thirty (30) stays, a reply with the studied ry minimum of binty 700) days will be considered limply.  If the period for reply specified above is less than thirty (30) stays, a reply with the studied ry minimum of binty 700) days will be considered limply.  If the period for reply specified above is less than thirty (30) stays, a reply will specified by MCMTP is from the mailing date of this communication.  If the period for reply specified above is the state than the replaced on the communication.  Any reply received by the Office laber flam there mailing date of this communication, even if timely fleet, may reduce any seemed patient are slightly and the specified and the seemed seemed and the seemed seemed and the seemed seemed seemed and the seemed see			10/082,540	SAVIO ET AL.				
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3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-40 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  7)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to mestriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 (no a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 (no aprovisional application).  a)	1)🛛	Responsive to communication(s) filed or	n <u>01 March 2002</u> .					
3		This action is <b>FINAL</b> . 2b)⊠	This action is non-final.					
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) Notic	e of Draftsperson's Patent Drawing Review (PTO-94	(8) 5) Notice of Information					

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## **DETAILED ACTION**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-8, 21-25, and 38, drawn to video slot gaming machine and method, classified in class 463, subclass 16.
- II. Claims 9-14, 26-31, and 39, drawn to video slot gaming machine and method, classified in class 463, subclass 20.
- III. Claims 15-20, 32-37, and 40, drawn to video slot machine and method, classified in class 463, subclass 22.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II or III are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination as claimed does not require the particulars of the subcombination as claimed for patentability. The subcombination has separate utility such as activating a bonus game.

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3. Inventions II and III are related as subcombinations disclosed as usable together

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in a single combination. The subcombinations are distinct from each other if they are

shown to be separately usable. In the instant case, invention II has separate utility such

as an outcome of a bonus game is determined as a function of the triggering event and

first and second random factors. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction

for examination purposes as indicated is proper.

5. This application contains claims of Group II directed to the following patentably

distinct species of the claimed invention:

In Group II:

Species S1: claims 11 and 28.

Species S2: claims 12 and 29.

Species S3: claims 13 and 30.

If Group II is elected, the applicants are further required under 35 U.S.C. 121 to

elect a single disclosed species for prosecution on the merits to which the claims shall

be restricted if no generic claim is finally held to be allowable. Currently, no claims are

generic.

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Applicants are advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicants traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. A telephone call was made to applicants' representative, Mr. James Yee on September 22, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must

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include an election of the invention to be examined even though the requirement be

traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-

305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor. Teresa Walberg can be reached on 703-308-1327. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

0858.

BN

BN

of Mallery Teresa Walberg

Supervisory Patent Examiner

Group 3700